



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DAC 4
OFFICE-OF-PETITIONS

#19

APPLICANT(S): Hiroshi Tayanaka ATTORNEY DOCKET NO: P97,0027
SERIAL NO.: 08/818,239 GROUP ART UNIT: 2813
FILING DATE: March 14, 1997 EXAMINER: K. Christiansen
ISSUE FEE PAID DATE: December 8, 1999 PATENT NO.: Not Assigned

INVENTION: "METHOD FOR MAKING THIN FILM SEMICONDUCTOR,
SOLAR CELL, AND LIGHT EMITTING DIODE"

PETITION TO WITHDRAW FROM ISSUE UNDER 37 C.F.R. §1.313(b)(5)
ISSUE FEE HAS BEEN PAID

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

S I R:

Applicant hereby petitions to withdraw the above-identified patent application after payment of the issue fee pursuant to 37 C.F.R. §1.313(b)(5).

Facts

A Notice of Allowance and Issue Fee Due was issued on September 9, 1999. In response to the Notice, an issue fee was mistakenly transferred by the Applicant's Attorney's firm to the Patent and Trademark Office on December 8, 1999, one day before the issue fee payment was due to be paid.

The Applicant's Attorney filed a Continued Prosecution Application (CPA) Request with a Preliminary Amendment and filing fee on December 9, 1999. On December 9, 1999, at the time of filing the CPA Request, the Applicant's Attorney was not aware that the issue fee had already been paid on December 8, 1999, and believed that the issue fee was not going to be paid because the CPA Request was being filed.

Arguments

It is respectfully requested that the above-identified application be withdrawn from issue for the purpose of re-opening prosecution and to permit consideration of the herewith submitted information disclosure statement under 37 C.F.R. §1.97 in the CPA.

The issue fee has been paid. It is requested that the application be withdrawn from issue under 37 C.F.R. §1.313 and returned to the jurisdiction of the Examining Group.

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It is respectfully submitted that the issue fee was transmitted in error and that a CPA Request has been filed for the application. An information disclosure statement is submitted herewith for consideration in the CPA under 37 C.F.R. §1.97.

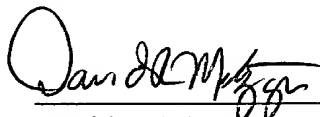
Withdrawal of the application from issue is hereby respectfully requested.

Fee

This Petition is accompanied by a check in the amount of \$130.00 for the required fee set forth in 37 C.F.R. §1.17(i).

If the Commissioner determines that additional fees are required, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 08-2290. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

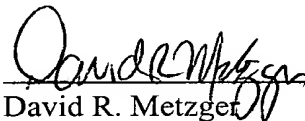


(Reg. No. 32,919)

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited as First Class in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231 on December 29, 1999.



(Reg. No. 32,919)

David R. Metzger